

Application No.: 09/768,857

Docket No.: KAMMON 3.0-073

REMARKS/ARGUMENTS

The present remarks are responsive to the Official Action mailed July 15, 2003, the shortened statutory response period expiring on October 15, 2003. Applicants submit herewith a three-month extension petition to reset the deadline for responding to the Official Action to and including January 15, 2004. In view of the following remarks and claim amendments, reconsideration of the Examiner's rejection and Notice of Allowance of all pending claims is respectfully requested.

Claims 1-18 are presently pending in the application. By way of the present amendment, applicants cancel claims 11-16, leaving claims 1-10, 17 and 18 pending. Claims 1-10 have previously been indicated as being allowable. Applicants trust that such claims remain in a condition for allowance.

In the Office Action summary sheet mailed July 15, 2003, claims 17 and 18 were indicated as being rejected. However, in the detailed action, claims 17 and 18 were not addressed. Applicants note that claims 17 and 18 depend from claim 1, which has been indicated as being allowable. Accordingly, claims 17 and 18 are expected to be in condition for allowance. See, *Hartness Intern. Inc. v. Simplimatic Engineering Co.*, 819 F.2d 1100, 2 U.S.P.Q. 2d 1826 (Fed. Cir. 1987). Applicants trust that the Examiner will reconsider his earlier rejection of claims 17 and 18, to the extent that any such rejection was intended.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding claim rejections and pass this application to issue.

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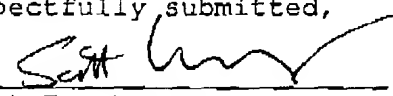
If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 14, 2004

Respectfully submitted,

By


Scott E. Charney

Registration No.: 51,548

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LERNER, DAVID, LITTENB

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P. 14

PLEASE ACKNOWLEDGE RECEIPT BY RETURNING THIS CARD

Via: First Class Mail

Atty Docket No.: KAMMON 3.0-073

Due Date: January 15, 2004

Title: FLOW RATE MEASURING APPARATUS

Application No.: 09/768,857

Documents Filed:

Three Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)

Amendment Transmittal (1 page)

Amendment (7 pages)

Charge \$950.00 to deposit account 12-1095

Notice of Appeal (1 page)

Charge \$330.00 to Deposit Account 12-1095



Sender's Initials: SEC/clg

Mailing Date: January 14, 2004